

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sophia Manuel	Team: Team # 4	CCRB Case #: 201409213	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/05/2014 6:34 PM	Location of Incident: § 87(2)(b) 88th Precinct Stationhouse	Precinct: 88	18 Mo. SOL 3/5/2016	EO SOL 3/5/2016	
Date/Time CV Reported Mon, 09/08/2014 2:20 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 09/08/2014 2:20 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Martinez	10299	953059	088 PCT
2. POM Eric Bravo	09104	934530	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Renan Darbouze	13128	942741	088 PCT
2. LT John Orecchia	00000	935433	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Martinez	Force: At § 87(2)(b) PO Jonathan Martinez used a chokehold against § 87(2)(b)	§ 87(2)(b)
B.POM Jonathan Martinez	Force: At the 88th Precinct stationhouse, PO Jonathan Martinez used a chokehold against § 87(2)(b)	§ 87(2)(b)
C.POM Eric Bravo	Force: At the 88th Precinct stationhouse, PO Eric Bravo used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On September 5, 2014, at approximately 6:34 p.m., PO Jonathan Martinez arrested § 87(2)(b) at 200 Tillary Street in Brooklyn (arrest report encl. 43-44). As per § 87(2)(b)'s request, PO Martinez brought her to § 87(2)(b), where he allegedly squeezed her neck (**Allegation A**). While PO Martinez was attempting to fingerprint § 87(2)(b) later at the stationhouse, he allegedly squeezed her neck again (**Allegation B**). § 87(2)(b) alleged that PO Eric Bravo punched her stomach while she was handcuffed to a bar in a hallway of the stationhouse (**Allegation B**) (IAB log encl. 4-5, complaint encl. 6-7, CCRB statement encl. 8-16).

Mediation, Civil and Criminal Histories

Inquiry into the status of civil proceedings is pending. This case was not eligible for mediation.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).
- PO Martinez has been a member of the NYPD for 2 years, has had 4 previous CCRB allegations involving 1 case with no substantiated allegations. None of the previous allegations indicate any pattern applicable to this case (encl. 1).
- This is the first CCRB complaint against PO Bravo during his 1 year tenure (encl. 2).

Attempts to Obtain Video Footage and Additional Witness Statements

Multiple attempts were made to obtain video footage from Brooklyn Central Hospital. However, after speaking with Risk Management at the hospital four times and sending two subpoenas, § 87(2)(b) has not sent video footage to the CCRB.

§ 87(2)(b) and § 87(2)(b) who were in the holding cell at the time of the incident, provided phone statements to the CCRB (encl. 18). Multiple attempts were made to contact § 87(2)(b) and § 87(2)(b) who were also in the holding cell according to the Prisoner Holding Pen Roster (encl. 82-85). They did not contact the CCRB.

Finding and Recommendations

Recommendations

Allegation A—At § 87(2)(b) PO Jonathan Martinez used a chokehold against § 87(2)(b)

Allegation B—At the 88th Precinct stationhouse, PO Jonathan Martinez used a chokehold against § 87(2)(b)

§ 87(2)(g)

PO Martinez brought § 87(2)(b) to § 87(2)(b) after she was involved in an altercation in which a woman spat blood in her face. § 87(2)(b) alleged that as PO Martinez escorted her out of § 87(2)(b) he squeezed her neck with one hand all the way around the front of her neck, while he held her hands with his other hand. She had been physically compliant, but was verbally resisting. PO Martinez's partner would not have seen PO Martinez squeeze § 87(2)(b)'s neck. At the stationhouse, while PO Martinez tried to fingerprint § 87(2)(b) she and a prisoner in the holding cell spat at each other. PO Martinez allegedly squeezed the side of her neck with the fingertips of one hand as he and other officers removed her from the fingerprinting area (encl. 8-16).

PO Martinez testified that as he escorted § 87(2)(b) out of the hospital, she repeatedly pulled away from him and said that she was not under arrest. He had to grab her arm or back the whole time he escorted her. He did not recall squeezing or touching her neck, but it was possible that he accidentally touched her neck because she was “squirming all over the place.” When PO Martinez grabbed § 87(2)(b) in the fingerprinting area to pull her away from the women in the holding cell, he did not know where he grabbed her. However, he denied grabbing her neck. He did not think he touched her neck at all (encl. 28-30).

§ 87(2)(b) and § 87(2)(b) were in the holding cell while PO Martinez attempted to fingerprint § 87(2)(b). PO Martinez was unable to fingerprint § 87(2)(b) because she, § 87(2)(b) and § 87(2)(b) began spitting at each other. § 87(2)(b) and § 87(2)(b) said that only PO Martinez removed § 87(2)(b) from the area. They denied that he squeezed or touched her neck (encl. 18).

PO Bravo said he helped PO Martinez remove § 87(2)(b) from the fingerprinting area. He denied seeing PO Martinez touch or squeeze § 87(2)(b)'s neck (encl. 22024). PO Darbouze and Lt. Orecchia did not recall seeing PO Martinez attempt to fingerprint § 87(2)(b) or remove her from the area (encl. 33-39).

§ 87(2)(b)'s medical records from § 87(2)(b), where she was taken after the alleged chokehold, do not mention any complaints by § 87(2)(b) regarding her neck or allegations that an officer touched her neck. There is no indication that she sustained any injury to her neck (encl. Privileged Folder).

§ 87(2)(g)
[REDACTED]

Allegation C—PO Eric Bravo used physical force against § 87(2)(b)

It is undisputed that PO Bravo used physical force against § 87(2)(b) § 87(2)(g)

§ 87(2)(b) testified that while she was in the hallway of the stationhouse, with one wrist handcuffed to the bar, she shouted, but did nothing physically. PO Bravo came and wanted to handcuff her other hand to the bar. He grabbed her free hand and put a cuff on it. She tried to pull her arm away from him and “wiggled,” but did not kick. PO Bravo punched § 87(2)(b)'s stomach/ribcage area hard. She doubled over and lost her breath. When she was able to breathe, she demanded that an ambulance be called to take her to the hospital (encl. 8-10).

According to PO Bravo and PO Darbouze, § 87(2)(b) stood with one wrist handcuffed to the bar and the other hand holding a folding chair above her head as if she were going to throw it at PO Darbouze, who was standing away from her in the hallway. PO Bravo took the chair away from her and put it out of her reach. § 87(2)(b) continued to make noise (according to PO Bravo, she was yelling and banging on things, but PO Darbouze only heard her yelling). PO Bravo decided to cuff her free hand to the bar. He placed a cuff on the hand.

§ 87(2)(g) According to PO Bravo, at this point, he attached the handcuffs to the bar and backed away from § 87(2)(b). As he stepped back, she attempted to kick him with one leg. She missed, but looked like she was going to kick again, so he pushed her chest or stomach back with one hand and stepped back further. He denied punching her or pushing her hard, though he did not know if the push was forceful enough for her to hit the wall behind her. PO Bravo went to get Lt. Orecchia. When Lt. Orecchia came to the hallway, § 87(2)(b) was somewhat bent over and she told Lt. Orecchia that PO Bravo punched her. She did not appear to be in physical distress.

PO Darbouze said that while PO Bravo attempted to cuff § 87(2)(b) s free hand, PO Darbouze turned and spoke with prisoners in the holding cell. When he turned back, § 87(2)(b) was bent over and accusing PO Bravo of punching her. She still had only one hand in cuffs. PO Bravo then placed her free wrist in cuffs. She did not appear to be in physical distress and was able to breathe. PO Darbouze did not see PO Bravo punch or hit § 87(2)(b). He did not recall § 87(2)(b) trying to kick PO Bravo (encl. 19-24; 31-35).

PO Martinez and Lt. Orecchia were not present for the altercation between § 87(2)(b) and PO Bravo. Lt. Orecchia denied speaking with § 87(2)(b) or hearing her make allegations against any officer (encl. 25-30; 36-39). From inside the holding cells, it is not possible to see where § 87(2)(b) was sitting in the hallway. § 87(2)(b) and § 87(2)(b) could not see § 87(2)(b) from the holding cells (encl. 18).

§ 87(2)(b) stated to medical personnel, “My chest hurts because I was assaulted by the police.” EMS reported that she was emotionally disturbed, yelling, kicking, and spitting at officers. At § 87(2)(b), she said that the pain to her chest resolved completely while she was waiting to be seen. Her physical exam found no apparent injury or acute respiratory distress. She was diagnosed with chest wall contusion, which is when the muscles between the ribs are bruised (encl. Privileged Folder).

§ 87(2)(g)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date